

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

STATE OF MISSOURI, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., *et al.*,

Defendants.

Civil Action No. 4:21-cv-1329

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO EXCEED THE PAGE
LIMIT FOR THEIR MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION
TO LIFT THE STAY OF DISTRICT COURT PROCEEDINGS**

Pursuant to E.D. Mo. L.R. 4.01(D), Defendants respectfully request leave of the Court to file a memorandum that exceeds fifteen pages in opposition to Plaintiffs' Motion to Lift the Stay of District Court Proceedings. Defendants seek an enlargement of three pages, for the filing of a memorandum that would not exceed 18 pages in length. Plaintiffs' counsel have informed Defendants' counsel that they do not oppose this request.

Defendants have good cause to seek the few additional pages of briefing here. Plaintiffs seek to lift the stay of proceedings so that they may litigate a supplemented complaint and file a second preliminary injunction motion with respect to the same interim final rule that is at issue before the Court of Appeals. *See* Pls.' Mem. in Supp. of Mot. to Lift the Stay of the Dist. Ct. Proceedings (Pls.' Mem.) at 7, ECF No. 44. In response to this motion, Defendants intend to explain that this Court lacks jurisdiction to entertain this request while the appeal remains pending before the Eighth Circuit; that the Supreme Court's decision in this litigation renders both Plaintiffs' original claims and their supplemented claims futile; and that this Court should at all events exercise its discretion to deny the motion to lift the stay of proceedings while the appeal remains pending. An enlargement of three pages would permit Defendants to explain each of these points fully.

In light of the issues presented by Plaintiffs' motion, the limited number of excess pages

requested by Defendants, and Plaintiffs' non-opposition, good cause exists for the relief that Defendants request. *See Monsanto Co. v. E.I. DuPont de Nemours & Co.*, No. 4:09-cv-00686 ERW, 2012 WL 5397601, at *9 (E.D. Mo. Nov. 2, 2012).

For these reasons, Defendants respectfully request that the Court grant their unopposed motion for leave to exceed the page limit by three pages for their memorandum in opposition to Plaintiffs' Motion to Lift the Stay of District Court Proceedings.

Dated: March 9, 2022

Respectfully submitted,

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